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10/775,550	04/12/2006	Edward Balassanian	IMPL-1-1018	6693

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EXAMINER	
SELLERS, DANIEL R	

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/775,550	BALASSANIAN, EDWARD	
	Examiner	Art Unit	
	DANIEL R. SELLERS	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-6 and 9-16* is/are rejected.

7)☒ Claim(s) *7 and 8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 January 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 2-4, 6, 9-12, and 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (hereinafter Wiser), US 6,385,596 B1, in view of Zintel et al. (hereinafter Zintel), US 6,725,281 B1.

3. Regarding **claim 2**, Wiser teaches a system for streaming audio, the system comprising:

a first computing device coupled to a network, the first computing device comprising a receiver module configured to receive an audio data stream comprising audio content via the network and to play the audio content on an audio output device (see figure 1A, unit 116, figure 1B, unit 124, column 5, line 43 - column 6, line 27, and column 10, lines 1-16)*;*

a second computing device coupled to the network, the second computing device comprising a browser module configured to generate a user interface for receiving an audio content identification identifying audio content and a receiver identification identifying the receiver module (see figure 1A, unit 128, column 14, line 40 - column 15, line 32)*; and*

a third computing device coupled to the network, the third computing device comprising a content server module, the browser module being configured to send a command to the content server module instructing the content server module to obtain audio data comprising the audio content identified by the audio content identification and stream the audio data to the receiver module identified by the receiver identification, the content server module being configured to receive the command from the browser module, and in response thereto, obtain the audio data, and stream the audio data to the receiver module (see column 15, line 33 - column 16, line 25)*,*

Wiser teaches the above features in a system for streaming audio. Wiser teaches a separate receiver, browser, and content server module for performing the above functions. It is implied in a modern computer, that the browser module and the content

server modules are unaware of the receiver module (i.e. the media player taught by Wiser) until media is played back. However, Wiser does not appear to explicitly teach:

the receiver module being further configured to send a receiver announcement to other computing device coupled to the network announcing implementation of the receiver module on the first computing device, each of the browser module and the content server module being unaware of the implementation of the receiver module before receiving the receiver announcement,

the browser module being further configured to send a browser announcement to other computing devices coupled to the network announcing implementation of the browser module on the second computing device, each of the receiver module and the content server module being unaware of the implementation of the browser module before receiving the browser announcement, and

the content server module being further configured to send a content server announcement to other computing devices coupled to the network announcing implementation of the content server module on the third computing device, each of the browser module and the receiver module being unaware of the implementation of the content server module before receiving the content server announcement.

Zintel teaches a method of discovery and control among various devices using Universal Plug and Play (UPnP) protocols (see abstract and column 4, lines 5-54). Specifically, Zintel teaches a discovery of modules, servers, and other devices without explicit beforehand knowledge of their presence (see column 5, lines 13-48, column 6, lines 26-65, column 7, lines 44-52, and column 11, lines 62-65). More specifically, several devices can locate and utilize remote storage or remote capabilities through the announcements of each module (see column 43, lines 51-67, column 44, lines 46-57, column 45, line 25 - column 46, line 3, column 46, line 52 - column 47, line 24, column 49, line 24 - column 50, line 41, and column 51, lines 2-38). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Wiser and Zintel for the purpose of setting up networked devices with little user intervention or input.

4. Regarding **claim 3**, see the preceding rejection with respect to claim 2. The combination teaches the system of claim 2, further comprising:

a plurality of registered audio data sources connected to the network, wherein the command sent by the browser module identifies one of the registered audio data sources, and the audio data streamed to the

receiver module is obtained by the content server module from the identified registered audio data source (see Wiser, column 6, lines 29-46 and column 9, lines 40-67).

5. Regarding **claim 4**, see the preceding rejection with respect to claim 3. The combination teaches the system of claim 3, wherein

the network is connected to the Internet and at least a portion of the plurality of registered audio data sources are connected to the content server module via the Internet (see Wiser, column 6, lines 15-27).

6. Regarding **claim 6**, see the preceding rejection with respect to claim 2. The combination teaches the system of claim 2, wherein

the third computing device further comprises a local storage device comprising audio data, and the audio data streamed to the receiver module is obtained by the content server module from the local storage device (see Zintel, column 6, lines 26-65, wherein it is obvious to have one device implement one or more features of separate devices and Wiser teaches some devices that could be combined to provide a content server with local storage, see col. 6, lines 15-27).

7. Regarding **claim 9**, see the preceding rejection with respect to claim 2. The combination teaches the system of claim 2, wherein the first computing device and the second computing device are implemented by a single computing device (see Zintel, column 6, lines 63-65).

8. Regarding **claim 10**, see the preceding rejection with respect to claims 2 and 9. The combination makes obvious these features.

9. Regarding **claim 11**, see the preceding rejection with respect to claims 2 and 9. The combination makes obvious these features.

10. Regarding **claim 12**, see the preceding rejection with respect to claim 2. The combination teaches the system of claim 2, wherein

the content server module further comprises a list of audio data files, the content server module is further configured to provide information associated with the audio data files to the browser module, the user interface generated by the browser module displays at least a portion of the information associated with the audio data files and receives an indication of a selection of at least one of the audio data files, and the

audio content identifier included in the command sent by the browser module to the content server module identifies the selected audio data file (see Wiser, column 14, line 40 - column 16, line 25).

11. Regarding **claim 14**, see the preceding rejection with respect to claim 2. The combination teaches a method of streaming audio performed by a computing system comprising a first computing device configured to implement a receiver feature, a second computing device configured to implement a browser feature, and a third computing device configured to implement a content server feature, the method comprising:

sending a receiver announcement from the first computing device to the second and third computing devices announcing the implementation of the receiver feature on the first computing device, each of the browser feature and the content server feature being previously unaware of the implementation of the receiver feature before receiving the receiver announcement (see Wiser, figure 1A, unit 116, figure 1B, unit 124, column 5, line 43 - column 6, line 27, and column 10, lines 1-16 and see Zintel, column 43, lines 51-67, column 44, lines 46-57, column 45, line 25 - column 46, line 3, column 46, line 52 - column 47, line 24, column 49, line 24 - column 50, line 41, and column 51, lines 2-38)*;*

sending a browser announcement from the second computing device to the first and third computing devices announcing the implementation of the browser feature on the second computing device, each of the receiver feature and the content server feature being unaware of the implementation of the browser feature before receiving the browser announcement (see Wiser, figure 1A, unit 128, column 14, line 40 - column 15, line 32, and see Zintel, column 43, lines 51-67, column 44, lines 46-57, column 45, line 25 - column 46, line 3, column 46, line 52 - column 47, line 24, column 49, line 24 - column 50, line 41, and column 51, lines 2-38)*;*

sending a content server announcement from the third computing device to the first and second computing devices announcing the implementation of the content server feature on the third computing device, each of the browser module and the receiver module being unaware of the implementation of the content server feature before receiving the content server announcement (see Wiser, column 15, line 33 - column 16, line 25, and see Zintel, column 43, lines 51-67, column 44, lines 46-57, column 45, line 25 - column 46, line 3, column 46, line 52 - column 47, line 24, column 49, line 24 - column 50, line 41, and column 51, lines 2-38)*;*

at the browser feature, receiving the receiver and content server announcements (see Zintel, column 50, lines 29-41)*;*

after the browser feature receives the receiver and content server announcements, sending a command from the browser feature to the content server feature instructing the content server feature to obtain audio data and stream the audio data to the receiver feature (see Zintel, column 48, lines 20-32, wherein it is obvious to receive device functionality and implement the teachings of Wiser, column 16, lines 4-25)*;*

at the content server feature, receiving the receiver and browser announcements (see Zintel, column 50, lines 29-41)*;*

after the content server feature receives the receiver and browser announcements, at the content server feature, receiving the command from the browser feature, and in response thereto, obtaining the audio data and streaming the audio data to the receiver feature (see Wiser, column 15, lines 33-61)*;*

at the receiver feature, receiving the content server announcement (see Zintel, column 50, lines 29-41)*; and*

after the receiver feature receives the content server announcement, at the receiver feature, playing audio data streamed to the receiver feature by the content server feature (see Wiser, column 16, lines 4-25).

12. Regarding **claim 15**, see the preceding rejection with respect to claim 14. The combination teaches a method of streaming audio performed by a plurality of modules coupled to a network and each having a module type, the module type of at least one of the plurality of modules being a receiver type, the type of at least a first different one of the plurality of modules being a browser type, and the type of at least a second different one of the plurality of modules being a content server type, before implementation, each of the plurality of modules being unaware of others of the plurality of modules, the method comprising:

upon implementation, each of the plurality of modules sending implementation announcements to others of the modules over the network identifying the type of the module (see Zintel, column 50, lines 29-41)*;*

at each of the plurality of modules, receiving the implementation announcements sent by others of the modules over the network (see Zintel, column 50, lines 1-18)*;*

at each module of the browser type, using ones of the implementation announcements identifying modules of the receiver type to construct a list of receiver modules (see Zintel, column 50, lines 42-67)*;*

at each module of the content server type, constructing a list of audio content selections (see Wiser, column 6, line 15 - column 8, line 17)*;*

at a selected browser module, obtaining a list of available audio content selections from a selected module of the plurality of modules of the content server type (see Wiser, column 14, lines 40-47)*;*

at the selected browser module, generating a user interface displaying the list of available audio content selections and the list of receiver modules (see Wiser, column 16, lines 31-40)*;*

at the selected browser module, receiving an audio selection identifying one of the displayed audio content selections and a receiver selection identifying one of the displayed receiver modules from the user interface (see Wiser, column 14, lines 52-60 and column 16, lines 41-48)*;*

sending the audio selection and the receiver selection from the selected browser module to the selected content server module (see Wiser, column 14, line 65 - column 15, line 23)*;*

at the selected content server module, obtaining the audio selection and streaming the audio selection to the receiver module identified by the receiver selection (see Wiser, column 15, lines 24-32)*; and*

at the receiver module identified by the receiver selection, playing the audio selection streamed thereto by the selected content server module (see Wiser, column 15, lines 24-32).

13. Regarding **claim 16**, see the preceding rejection with respect to claim 15. The combination teaches the method of claim 15, further comprising:

at each module of the content server type, using ones of the implementation announcements identifying modules of the browser type to construct a list of browser modules (see Zintel, column 47, lines 36-48 and column 48, lines 20-61).

14. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wiser and Zintel as applied to claim 3 above, and further in view of Cohen, William W. and Wei Fan, "Web-collaborative filtering: recommending music by crawling the Web", 23 May 2000, Elsevier Science B.V., pp. 1-14 (hereinafter Cohen).

15. Regarding **claim 5**, see the preceding rejection with respect to claim 3. The combination of Wiser and Zintel teaches the system of claim 3. However, they do not appear to explicitly teach:

the content server module further comprises a file crawler configured to locate audio data files on the plurality of registered audio data sources and provide information associated with the located audio data files to the browser module, the user interface of the browser module displays at least a portion of the information associated with the located audio data files, and the audio content identification received by the browser module identifies a selected one or more of the located audio data files.

Cohen teaches a web spider that collects collaborative data for finding music to recommend to a user (see abstract). Specifically, in view of Zintel's teachings with respect to UPnP and Wiser's teachings with respect to media servers, it would have been obvious to use the web spider to seek out databases of recommended music. It

would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Wiser, Zintel, and Cohen for finding new servers with interesting musical choices.

16. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wiser and Zintel as applied to claim 12 above, and further in view of well-known prior art.

17. Regarding **claim 13**, see the preceding rejection with respect to claim 12. The combination teaches the system of claim 12. However the combination does not appear to explicitly teach:

the list of audio data files is a format specific playlist, the content server module further comprises a play-list parser configured to convert the format specific playlist into a generic file list.

The examiner takes Official Notice that it is well-known at the time of the invention to one of ordinary skill in the art to use playlists. Specifically, mpeg-1 layer 3 (i.e. mp3 files) are well-known and their playlist files (i.e. m3u files) are well-known. It is further well-known that mp3 playlists are configured into a generic list of mp3 files when the m3u file is parsed by an audio player, such as the well-known WINAMP. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Wiser, Zintel, and the well-known prior art for the purpose of providing playback of several files with one hyperlink or file.

Allowable Subject Matter

18. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hindus et al., US 6,754,546 B1, teaches sharing audio between rooms from a central server (see abstract and figure 1);

Champion, US 6,778,869 B2, teaches a remote control unit for controlling an audio source in different rooms (see abstract, figure 6, and column 8, lines 23-49); and

Gibbs, US 6,963,784 B1, teaches a home AV interoperability (HAVI) network (see abstract, figure 1B, and column 8, lines 10-55).

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/
Examiner, Art Unit 2614

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2614